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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,905	03/19/2004	Alan W. Henley	8266-1276	8373

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,905

Applicant(s)

HENLEY ET AL.

Examiner

James M Hewitt

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004 and 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 15-24 are objected to because of the following informalities:

In claim 15 line 5, it seems that stating that the knee cushion is closer to the head end than the foot support section is incorrect. The knee cushion is spaced from the head end by a head cushion, a shoulder cushion, a lumbar cushion and a seat cushion, and is adjacent the foot support section.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

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under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Vrzalik (US 6,721,979).

With respect to claim 1 and with reference to Figure 6, Vrzalik discloses a first air fluidized support section (322a); a second air fluidized support section (322b) positioned in spaced relation to the first section; and an air cushion (see figure) positioned intermediate the first section and the second section.

With respect to claim 2, the first section is a foot support section located to support the feet of a patient.

With respect to claim 3, wherein the second section is a seat support section located to support the seat of the patient.

With respect to claim 4, wherein the first section is releasably coupled adjacent the air cushion.

With respect to claim 5, further comprising a first replacement air cushion configured to replace the first section. Given the broadest reasonable interpretation, one of the air cushions beneath the first section would constitute a replacement cushion upon removing first section (322a), for whatever reason, from the air bed.

With respect to claim 6, wherein the second support section is releasably coupled adjacent the air cushion.

With respect to claim 7, further comprising a second replacement air cushion configured to replace the second section. Given the broadest

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reasonable interpretation, one of the air cushions beneath the second section would constitute a replacement cushion upon removing second section (322b), for whatever reason, from the air bed.

With respect to claim 8, wherein the first and second section each include a chamber and a fluidizable material located within the chamber.

With respect to claim 9, wherein the first and second section each further include a plenum located beneath the chamber and configured to be coupled to an air supply to supply air to the plenum so that air passes upwardly from the plenum through the chamber to fluidize the fluidizable material.

With respect to claim 10, wherein the air cushion is a knee zone air cushion located to support the legs of the patient. See Figure 6.

With respect to claim 11, further comprising a head zone air cushion positioned in spaced relation to the seat support section and configured to support the head of a patient. See Figure 6.

With respect to claim 12, further comprising a shoulder zone air cushion positioned intermediate the head zone air cushion and the seat support section and configured to support the back of a patient. See Figure 6.

With respect to claim 13, further comprising a lumbar cushion positioned intermediate the seat section and the shoulder cushion. See Figure 6.

With respect to claim 14, wherein the fluidizable material of the first section is positioned longitudinally adjacent a first end of the air cushion, and the fluidizable material of the second section is positioned longitudinally adjacent a

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second end of the air cushion. Note "adjacent" has been interpreted as "near" and also that each of the fluidizable sections may be varied in size.

With respect to claims 15-32, refer to the above rejections of claims 1-14.

With respect to claim 19, an air supply (315) is coupled to the foot support section (see Figure 6). With respect to claim 20, the chamber or cushion coupled to the supply hoses constitutes the claimed manifold.

Conclusion

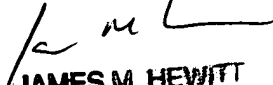
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAMES M. HEWITT
PRIMARY EXAMINER